

BOARD OF SELECTMEN

Francis A. Hegarty, Chairman

Robert F. Brady, Jr., Clerk

Steven P. Rose, Associate

Town of Avon Massachusetts

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Michael McCue, Town Administrator



**BOARD OF SELECTMEN MEETING
THURSDAY, AUGUST 2, 2012
7:30 P.M.**

Members present: Francis A. Hegarty, Chairman
Steven P. Rose
Robert F. Brady, Jr.

Others present: Michael McCue, Town Administrator
Joseph Lalli, Town Counsel

Chairman Hegarty called the meeting to order at 7:30 p.m. with all members present.

Mr. Brady made a motion to accept the minutes of Thursday, June 21, 2012 (Regular Session) as written. The motion was seconded by Rose. The motion carried.

Mr. Brady made a motion to accept the minutes of Thursday, June 14, 2012 (Workshop Meeting) as written. Mr. Rose seconded the motion. The vote was unanimous.

Mr. Brady made a motion to approve the minutes of Thursday, May 31, 2012 (Workshop Meeting) as submitted. Mr. Rose seconded the motion. The motion carried.

Mr. Rose made a motion to table the minutes of Thursday, May 10, 2012 (Workshop Meeting) as submitted. Mr. Brady seconded the motion. All were in favor.

Mr. Brady made a motion to accept the minutes of Thursday, May 24, 2012 (Workshop Meeting) as written. Mr. Rose seconded the motion. The vote was unanimous.

Mr. Brady made a motion to approve the minutes of Thursday, March 22, 2012 (Workshop Meeting) as submitted. Mr. Rose seconded the motion. The vote was unanimous.

Council on Aging Director Jane Hanley submitted a contract between the Avon COA and Senior News Publications for the Board's approval. Ms. Hanley reported that the COA was experiencing difficulties with its current publisher, CPi Inc. Senior News Publications is an established business and has provided newsletters to most of the 350 communities in the

Commonwealth at no cost to the municipality. Ms. Hanley stated signing off of the contract will restore the Town's cost of the newsletter to its original intent.

Mr. Rose asked if Town Counsel had a chance to review the new contract. Town Counsel Lalli responded that he scanned the contract and stated this contract is much simpler and more in line what the Town used to have.

Mr. Rose made a motion to approve the contract with Senior News Publications and the Avon Council on Aging with the condition that Town Counsel reviews the contract. Mr. Brady seconded the motion. The motion carried.

MUTUAL AID AGREEMENT BETWEEN THE POLICE DEPARTMENTS OF THE METROPOLITAN BOSTON AREA

A Mutual Aid Pact was forwarded from Police Chief Warren Phillips for the Board's consideration. The Memorandum of Agreement contains safeguards to protect against problematic arrests by an officer acting outside his jurisdiction.

Mr. Rose made a motion to approve the Mutual Aid Pact as outlined by Avon's Police Chief Warren Phillips. Mr. Brady seconded the motion. All were in favor.

APPOINTMENT OF SPECIAL POLICE OFFICERS—TERM TO EXPIRE: JUNE 30, 2013

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to appoint the following individuals as Special Police Officers for the Town of Avon, term to expire: June 30, 2013 as read:

Robert Brady
Sheri Carney
Theodore Colocousis
Charles Comeau
Stephen Cosindas
Peter Crone
Edward Doran
Linda Farley
Francis Hegarty
Laurice Hedges

Landis Hershey
Joseph Lalli
Bruce Lane
Michael McCue
Steven P. Rose
William Salter
Alex Sinclair
Tara Tradd

Paul Chapman

Permanent Intermittent Police Officer

Brockton Police Officers as Avon Special Police Officers:

Officer Christopher Hill
Officer David Santos
Officer Antonio Randolph

Officer Eric Smith

On the recommendation of Highway Superintendent Ed Sarni and Town Administrator Michael McCue, Mr. Rose made a motion to hire Michael Guilbault to the position of Highway Laborer at Grade PW1, Step 1 at a rate of \$19.77 per hour, contingent upon successful fulfillment of Town of Avon hiring policies. Mr. Brady seconded the motion. All were in favor.

A request was received from Library Director Karen Johnson to promote Elise Struble to the position of Library Technician B from current part-time Circulation Assistant.

Mr. Rose made a motion to promote Library employee Elise Struble to the position of Library Technician B, Grade OAL/3 at a rate of \$17.23 per hour. Mr. Brady seconded the motion. The motion carried.

A request was received from Columbia Gas of Massachusetts for a street opening permit to install gas service at 64 Porter Street.

Mr. Brady made a motion to approve the street opening permit at 64 Porter Street. Chairman Hegarty seconded the motion with discussion. Chairman Hegarty amended the motion as follows: "to request that all patches be inspected by the Highway Superintendent. Patching must be re-installed if it does not meet Highway restoration specifications. If the Highway Superintendent is not satisfied with the patching work, no more permits will be issued to the gas company."

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve the amended motion.

A request was received from Columbia Gas of Massachusetts for a street opening permit to renew gas service at 13 Clover Avenue.

Mr. Rose made a motion to approve the street opening permit at 13 Clover Avenue pending satisfaction of the previous restoration procedure stated previously. Mr. Brady seconded the motion. All were in favor.

A Letter of Interest was received from Avon resident Gail Gorman for consideration of a seat on the Council on Aging Board.

Mr. Brady made a motion to appoint Gail Gorman to the Council on Aging Board, term to expire: June 30, 2013. The motion was seconded by Mr. Rose. The vote was unanimous.

A Letter of Interest was received from Linda and Paul Chute of 17 South Street for consideration to fill vacancies on the Historical Commission.

Mr. Brady made a motion to appoint Linda and Paul Chute of 17 South Street to serve on the Historical Commission, term to expire: June 30, 2014. Mr. Rose seconded the motion. The motion carried.

A request for gift acceptance was received from the Avon Public Library from Lynda Valenzuela, in the amount of \$50.00, to be used to purchase books in memory of Josephine Pagliuca.

Mr. Brady made a motion to accept the \$50.00 donation to purchase books for the Avon Library. Mr. Rose seconded the motion. All were in favor.

A request for gift acceptance was received from the Council on Aging from Rita DeCosta in memory of Peter DeYoung, in the amount of \$20.00.

Mr. Brady made a motion to accept the donation to the Council on Aging from Rita DeCosta, in the amount of \$20.00. Mr. Rose seconded the motion. The motion carried.

Water Commissioners Charles Linfield, Peter Marinelli and Charles Comeau, Jr. appeared before the Board. Also in attendance were Bruce Baldwin and Richard Johnson of Amory Engineering.

Mr. Baldwin is currently the Interim (Acting) Water Superintendent for the Town of Avon appointed by the Water Commissioners.

The Board asked Mr. Baldwin how he was doing. Mr. Baldwin reported he is "getting his feet wet." Mr. Johnson and Mr. Baldwin reported they had a meeting with DEP. The infrastructure was looked at and it was reported to be in good condition. The water quality is good and the water treatment facility is in good shape.

After some further discussion, Mr. Baldwin and Mr. Johnson departed.

The Board discussed a legal bill from Trident Insurance. Trident Insurance Services represented the Town of Avon and their employment practices carrier in 2010. The policy carried a \$5,000 deductible. The amount of \$3838.98 is due Trident Insurance for the reimbursement of legal services paid to Kopelman and Page regarding former employee Marjorie Malone's legal fees.

Chairman Hegarty reported he does not feel this is a justified bill since the insurer chose the law firm of Kopelman and Page. The Town was given no alternative in the matter. This was a malicious act by a former employee. Chairman Hegarty stated that going forward the policy should not have a deductible.

Mr. Rose questioned whether we can recoup fees from the claimant or go after our insurance company or negotiate a settlement? Town Counsel Lalli was asked to look into the matter. Attorney Lalli stated there is a set of laws on who actually pays legal fees. He will report back to the Board at the next Board of Selectmen's meeting.

Mr. McCue reported that in speaking with the Town's agent, Charlie Rourke, Mr. Rourke stated that the Town is liable for the reimbursement to Trident Insurance in the amount of \$3838.98.

After further discussion, Mr. Rose made a motion to table the item until the August 16th meeting. Mr. Brady seconded the motion. The vote was unanimous.

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to approve all vouchers for the payment of bills as submitted.

TOWN ADMINISTRATOR'S REPORT

Mr. McCue reported that there were previously two (2) Fire surplus vehicles posted on Municibid's website. One vehicle was sold and the other person reneged on picking up a vehicle. A new bid was received for a 1995 Ford F350 truck. The vehicle was sold for \$5300.00 cash, which was more than the previous bidder. The website worked well for the sale of these surplus vehicles. The new bidder paid in cash and the vehicle was removed.

Fuel cards from Wright Express have been received. This Gulf Universal Fleet Card was requested on the recommendation of the auditors so that the Town does not have to pay Federal and State taxes up front for fuel. We used ING Consulting in the past—a service company for recovery of those taxes, but 1/3 of the recovery amount was paid to ING for their services.

Mr. McCue reported that the Town of Avon is working with the Town of Stoughton and area Towns on a Regional Emergency Planning Committee. Chief Spurr is working on the committee. Mr. McCue stated he has attended meetings of the Regional Emergency Planning Committee.

At 8:25 p.m. Mr. Rose made a motion to enter Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel. Mr. Brady seconded the motion.

A roll call vote was taken:

Mr. Rose voted aye

Mr. Brady voted aye

Chairman Hegarty voted aye

The Board would not reconvene in Open Session.

Respectfully submitted,



Miriam Rothstein
Secretary